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CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES

Report of the Secretary-General

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I. INTRODUCTION

1. On 16 December 1996, the General Assembly adopted resolution 51/156, entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives". Paragraphs 2 to 12 of the resolution read as follows:

"The General Assembly,

" ...

"2. Strongly condemns acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

"3. Urges States to strictly observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

"4. Also urges States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to bring offenders to justice;

"5. Recommends that States should cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

"6. Urges States to take all appropriate measures, in accordance with international law, at the national and international levels to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

"7. Recommends that States should cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its judicial authorities in order to bring offenders to justice;

"8. Calls upon States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

"9. Also calls upon States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for the peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

"10. Requests all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

"11. Requests the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 10 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

"12. Decides to include in the provisional agenda of its fifty-third session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

2. The present report is prepared pursuant to paragraph 11 of resolution 51/156.

3. By a note dated 31 December 1996, the Secretary-General drew the attention of States to the request contained in paragraph 9 of General Assembly resolution 42/154 and paragraph 10 of General Assembly resolution 51/156, and invited them to communicate to him their views with respect to any measures needed to enhance the protection, security and safety of diplomatic and consular missions and representatives, as provided for in paragraph 11 of General Assembly resolution 42/154. Section II of the present report contains an analytical summary of the reports received and the text of those reports.

4. Section III of the present report contains the comments received from States in response to paragraph 11 of General Assembly resolution 42/154.

5. Section IV of the present report contains information on the status of participation of States, as at 15 August 1997, in the Vienna Convention on Diplomatic Relations of 1961,[1] the Vienna Convention on Consular Relations of 1963[2] and the respective optional protocols thereto, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973.[3]

II. REPORTS RECEIVED FROM STATES PURSUANT TO PARAGRAPH 10 OF GENERAL ASSEMBLY RESOLUTION 51/156

6. The reports submitted to the Secretary-General during the period under review cover a wide range of incidents concerning diplomatic and consular missions and representatives. States have reported either infringements upon their own missions or representatives, or information on incidents which occurred in their own territory, whether such incidents had or had not been previously reported by the other States concerned.

7. The reported incidents differ substantially as to their nature and gravity. Some of those incidents had tragic consequences.

8. A number of communications have been submitted regarding intrusions into the diplomatic or consular premises of missions, some of which were of a violent nature, resulting in material damage or injuries to individuals.

9. The Permanent Observer of the Holy See to the United Nations reported on various violations against the Apostolic Nunciature in the Central African Republic, Israel, Colombia and Liberia. In Colombia, a bomb exploded a few metres from the Nunciature, killing three and wounding others. The United Kingdom of Great Britain and Northern Ireland reported on violations against the Turkish and Indonesian Embassies in London. In one case, demonstrators threw objects in the direction of the Embassy and, in the other, demonstrators chained themselves to the railings outside the Embassy. Denmark reported on violations against the Embassies of the United States of America and Peru. Israel provided information on the break-in of the Chancery, following the report of the Permanent Observer of the Holy See of 11 March 1997 (see para. 12 below).

10. No report was received during the period under review regarding attacks against diplomatic and consular representatives.

11. Denmark submitted a report covering the period 15 April 1996-1 June 1997 on incidents characterized by it as serious, as follows:

(a) 28 January 1997. An unknown offender telephoned the Embassy of the United States of America and threatened to blow up the building;

(b) 18 March 1997. A group of offenders carrying banners penetrated the Embassy of the United States of America. Three persons were arrested and, in accordance with Danish Criminal Code, paragraph 264, item 1.1, charged with violating private property. The case is still pending;

(c) 28 April 1997. A group of offenders penetrated the Embassy of Peru where they set fire to the Peruvian flag. Nine offenders were arrested and, in accordance with Danish Criminal Code, paragraph 264, item 1.1, charged with violating private property. The case is still pending;

(d) 1 May 1997. A group of 20 to 25 offenders penetrated the Peruvian Embassy and caused damage. It has not been possible to identify the offenders.

Denmark further reported that its Police Authorities continued to evaluate security conditions in relation to foreign diplomatic and consular missions and representatives in Denmark. Those evaluations formed the basis of security measures to be adopted with respect to the individual diplomatic and consular missions and representatives. In connection with the above-mentioned incidents, the Danish Police Authorities had been in contact with the affected diplomatic and consular missions with a view to discussing and evaluating the security measures once again.

12. The Holy See submitted the following information concerning the violation of diplomatic immunity inflicted on offices and diplomatic personnel of the Holy See:

(a) On 18 May 1996, the Apostolic Nunciature in Bangui, Central African Republic, was sacked by armoured local military who stole two motor vehicles which were subsequently returned;

(b) In the second half of August 1996, the Chancery of the Apostolic Nunciature in Tel Aviv, Israel, was plundered by unknown persons stealing furniture and household goods;

(c) At the beginning of July 1996, on the anniversary of the arrival of the Apostolic Nuncio in Colombia, a powerful bomb exploded a few metres away from the site of the Nunciature in Bogota, Colombia, causing three deaths and wounding others. On 20 July 1996, the National Day of Colombia, graffiti threatening to kill the Apostolic Nuncio were written on the surrounding walls of the Apostolic Nunciature;

(d) During 1996, the building of the Apostolic Nunciature in Monrovia, Liberia, remained occupied by refugees.

13. Israel referred to the Secretary-General's Note LA/COD/4 dated 24 May 1997, communicating the text of the report dated 11 March 1997 submitted by the Permanent Observer of the Holy See to the United Nations. The following is the response of the Government of Israel to the matter raised:

> "On 28 August, the Secretary of the Chancery of the Nunciature filed a complaint with the police station in Jaffa. According to the information received from the Secretary, the Chancery was left locked and unattended for a period of 10 days. Later it was discovered that the Chancery had been broken into, and that the following items had been stolen: a colour television, a facsimile machine, and an electronic dictionary.
>
> "A police criminal-identification team was sent to the Chancery. There were neither fingerprints nor any other kind of evidence on site. The Chancery was entered by breaking glass next to the entrance door. Further investigation through intelligence channels proved unsuccessful.
>
> "The investigation file was therefore closed, owing to the impossibility of identifying the perpetrator of the offence."

14. The United Kingdom of Great Britain and Northern Ireland submitted the following information:

(a) Ongoing demonstration outside the Turkish Embassy in London. There was an ongoing demonstration outside the Turkish Embassy in Belgrave Square. The police maintained a 24-hour static armed post outside the Embassy premises. The demonstration was kept behind barriers on the other side of the street from the Embassy (approximately 50 metres away). On 13 August 1996, the number of demonstrators grew to approximately 250. The demonstration became hostile and bottles, eggs and stones were thrown in the direction of the Embassy. One arrest was made near the Embassy;

(b) Turkish Cultural and Information Office. On 17 July 1996, a group of 23 demonstrators entered the Turkish Cultural and Information Office and barricaded themselves in. They all left after speaking with the media and were immediately arrested by police;

(c) Indonesian Embassy:

(i) On Friday, 6 December 1996, a group of demonstrators entered an adjacent building (non-diplomatic premises) and climbed across onto the Embassy to unfurl a banner. The demonstrators were arrested by police before they could do so, but other demonstrators set light to an improvised Indonesian flag outside the Embassy. Police acted promptly and extinguished the fire and forced demonstrators to the other side of the road;

(ii) On 29 May 1997, four people chained themselves to the railings outside the Embassy while others attempted to gain access to the Embassy itself during a demonstration. The situation was dealt with by the police who made seven arrests.

15. The Secretary-General, in accordance with paragraph 10 (c) of resolution 42/154, addressed a reminder to a State which had not responded to a case reported by another State.

III. VIEWS RECEIVED FROM STATES PURSUANT TO PARAGRAPH 11 OF GENERAL ASSEMBLY RESOLUTION 42/154

16. Belgium reported that no serious violation of the protection, security and safety of diplomatic and consular missions and representatives had occurred in Belgium in 1996. It stated that the Belgian authorities attached great importance to the security and safety of diplomatic and consular missions and took all necessary security and safety measures on the basis of an ongoing assessment of the security and safety situation of each mission and diplomatic representative.

17. Kuwait referred to the Vienna Conventions on diplomatic and consular relations which dealt with the concept of immunities and privileges and defined the responsibilities of the host country in protecting accredited missions. It stated that Kuwait had ensured all means of security and convenience to the

accredited missions in Kuwait, and wished to reaffirm its commitment to and respect for the principles of international law, which included the protection of diplomatic missions and their staff.

18. Panama reported the following:

(a) According to the information provided to the Directorate General by Office of Diplomatic Privileges and Immunities of the Directorate General of Protocol and Ceremonies of State, there were no reports of serious violations of diplomatic missions accredited in Panama, except for the incident which took place at the Commercial Office of the People's Republic of China, which was broken into one night;

(b) Concerning measures for the protection, security and safety of diplomatic and consular missions and representatives accredited in Panama, the measures taken by the National Police were as follows:

(i) The security and safety measures taken are based strictly on the reciprocity accorded us by other countries and on the guidelines issued by the Ministry;

(ii) Immediate measures for additional protection are taken whenever a situation arises which threatens the security of any country which has a diplomatic mission in Panama;

(iii) The necessary security is provided for certain ceremonies or social events upon prior request to the Ministry;

(iv) Panama has specialized units for whatever contingency that may arise in the country.

19. Venezuela reported that, to date, no diplomatic and consular representatives, representatives of intergovernmental organizations and staff members of such organizations in Venezuela, or any Venezuelan diplomatic and consular representatives accredited to other countries, had reported any incidents relating to their protection, security and safety to the Ministry of Foreign Affairs.

20. Venezuela also stated that it respected the inviolability of diplomatic and consular missions and representatives, thereby complying with the Vienna Conventions on diplomatic and consular relations, and took the necessary measures prescribed by international law. It further stated that Venezuela had strictly implemented the principles and norms of international law governing diplomatic and consular relations and effectively ensured the protection, security and safety of the missions and representatives of international intergovernmental organizations officially accredited to the Government of Venezuela.

IV. STATUS OF PARTICIPATION IN INTERNATIONAL CONVENTIONS PERTAINING TO THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES*

21. Each of the following instruments is represented in tables 1 and 2 below by the letter shown on the left:

A Vienna Convention on Diplomatic Relations of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964, in accordance with article 51)

B Optional Protocol to the Vienna Convention on Diplomatic Relations concerning Acquisition of Nationality of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964, in accordance with article VI)

C Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964)

D Vienna Convention on Consular Relations of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967, in accordance with article 77)

E Optional Protocol to the Vienna Convention on Consular Relations concerning Acquisition of Nationality of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967)

F Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967)

G Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 1973 (adopted by the General Assembly of the United Nations on 14 December 1973; entered into force on 20 February 1977).

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* For the text of reservations, declarations or communications accompanying the signatures, ratifications, accessions or successions to the international instruments, see Multilateral Treaties Deposited with the Secretary-General (United Nations publication, Sales No. E.97.V.5).

Table 1. Total participation in international conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives

Instrument	Signature	Ratification, accession or succession
A	61	177
B	20	48
C	31	61
D	23	44
E	19	36
F	39	44
G	24	94

Table 2. Status of participation in international conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives

State	Signature							Ratification, accession or succession						
Afghanistan								A						
Albania	A			D				A			D			
Algeria				D				A			D			
Andorra								A			D			
Angola								A			D			
Antigua and Barbuda											D			G
Argentina	A	B		D		F		A	B		D			G
Armenia								A			D			G
Australia	A			D			G	A		C	D		F	G
Austria	A		C	D		F		A		C	D		F	G
Azerbaijan								A			D			
Bahamas								A		C	D			G
Bahrain								A			D			
Bangladesh								A			D			
Barbados								A			D			G
Belarus	A						G	A			D			G
Belgium	A		C	D		F		A	B	C	D	E	F	
Belize														
Benin				D		F		A			D			
Bhutan								A			D			G
Bolivia				D				A			D			
Bosnia and Herzegovina					E	F		A	B	C	D			G
Botswana								A	B	C				
Brazil	A			D	E			A			D			
Brunei Darussalam														
Bulgaria	A							A		C	D	E	F	G
Burkina Faso				D		F		A			D		F	
Burundi								A						G
Cambodia								A	B	C				
Cameroon				D	E	F		A			D			G
Canada	A						G	A			D			G
Cape Verde								A			D			
Central African Republic	A	B	C	D		F		A	B	C				
Chad								A						
Chile	A			D		F		A			D			G
China		B[a]	C[a]		E[b]	F[b]		A			D			G
Colombia	A		C	D	E	F		A			D			G
Comoros														

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State	Signature							Ratification, accession or succession						
Congo				D	E	F		A						
Cook Islands														
Costa Rica	A			D				A		C	D			G
Côte d'Ivoire				D		F		A						
Croatia								A			D			G
Cuba	A			D				A			D			
Cyprus								A			D			G
Czech Republic								A			D			G
Democratic People's Republic of Korea								A			D			G
Democratic Republic of the Congo	A				E	F		A	B	C				G
Denmark	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Djibouti								A			D			
Dominica								A			D			
Dominican Republic	A	B	C	D	E	F		A	B	C	D	E	F	G
Ecuador	A		C	D			G	A		C	D			G
Egypt								A	B			E		G
El Salvador								A						G
Equatorial Guinea								A						
Eritrea								A			D			
Estonia								A	B	C		E	F	G
Ethiopia								A						
Fiji								A		C				
Finland	A	B	C		E	F	G	A	B	C		E	F	G
France	A		C			F		A		C			F	
Gabon						F		A	B	C		E	F	G
Gambia														
Georgia								A						
Germany	A	B	C		E	F	G	A	B	C		E	F	G
Ghana	A	B	C		E	F		A				E		G
Greece	A							A						G
Grenada								A						
Guatemala	A							A						G
Guinea								A	B	C				
Guinea-Bissau								A						
Guyana								A						
Haiti								A						G
Holy See	A							A						
Honduras								A						
Hungary	A						G	A		C			F	G
Iceland							G	A	B	C		E	F	G
India								A	B	C		E	F	G

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State	Signature							Ratification, accession or succession					
Indonesia								A	B			E	
Iran (Islamic Republic of)	A	B	C					A	B	C		E	F	G
Iraq	A	B	C					A	B	C		E		G
Ireland	A		C			F		A						
Israel	A		C					A						G
Italy	A	B	C		E	F	G	A	B	C		E	F	G
Jamaica								A						G
Japan	A		C					A		C			F	G
Jordan								A						G
Kazakhstan								A						G
Kenya								A	B	C		E	F	
Kiribati								A						
Kuwait					E	F		A		C				G
Kyrgyzstan								A						
Lao People's Democratic Republic								A	B	C		E	F	
Latvia								A						G
Lebanon	A	B	C			F		A						G
Lesotho								A						
Liberia	A				E	F		A						G
Libyan Arab Jamahiriya								A	B					
Liechtenstein			C			F		A		C			F	G
Lithuania								A						
Luxembourg	A		C	D		F		A		C			F	
Madagascar								A	B	C		E	F	
Malawi								A	B	C		E	F	G
Malaysia								A	B	C				
Maldives									B					G
Mali								A						
Malta								A		C				
Marshall Islands								A						
Mauritania								A						
Mauritius								A		C			F	
Mexico	A							A						G
Micronesia (Federated States of)								A						
Monaco														
Mongolia							G	A						G
Morocco								A				E		
Mozambique								A						
Myanmar								A	B		D			
Namibia								A						

State	Signature							Ratification, accession or succession					
Nauru								A					
Nepal								A	B	C	E	F	G
Netherlands								A	B	C	E	F	G
New Zealand	A		C					A		C		F	G
Nicaragua							G	A	B	C	E	F	G
Niger						F		A	B	C	E	F	G
Nigeria	A							A					
Niue													
Norway	A	B	C		E	F		A	B	C	E	F	G
Oman								A	B	C	E	F	G
Pakistan	A							A		C		F	G
Palau													
Panama	A				E	F		A	B	C	E	F	G
Papua New Guinea								A					
Paraguay							G	A	B	C	E	F	G
Peru				D		F		A					G
Philippines	A	B	C			F		A	B	C	E	F	G
Poland	A						G	A					G
Portugal								A					G
Qatar								A					G
Republic of Korea	A	B	C					A	B	C	E	F	G
Republic of Moldova								A					
Romania	A						G	A					G
Russian Federation	A						G	A					G
Rwanda							G	A					G
Saint Kitts and Nevis													
Saint Lucia								A					
Saint Vincent and the Grenadines													
Samoa													
San Marino	A							A					
Sao Tome and Principe								A					
Saudi Arabia								A					
Senegal	A	B						A			E	F	
Seychelles								A		C		F	G
Sierra Leone								A					
Singapore													
Slovakia								A					G
Slovenia								A		C			G
Solomon Islands													
Somalia								A					
South Africa	A							A					
Spain								A					G

State	Signature						Ratification, accession or succession						
Sri Lanka	A						A	B	C				G
Sudan							A						G
Suriname							A	B	C		E	F	
Swaziland						G	A						
Sweden	A	B	C	E	F	G	A	B	C		E	F	G
Switzerland	A		C		F		A	B	C		E	F	G
Syrian Arab Republic							A						G
Tajikistan							A			D			
Thailand	A	B					A	B					
The former Yugoslav Republic of Macedonia							A	B	C				
Togo							A						G
Tonga							A						
Trinidad and Tobago							A						G
Tunisia						G	A	B			E		G
Turkey							A						G
Turkmenistan							A			D			
Tuvalu							A						
Uganda							A						
Ukraine	A					G	A						G
United Arab Emirates							A						
United Kingdom of Great Britain and Northern Ireland	A		C		F	G	A		C			F	G
United Republic of Tanzania	A	B	C				A	B	C				
United States of America	A		C		F	G	A		C			F	G
Uruguay	A				F		A						G
Uzbekistan							A						
Vanuatu													
Venezuela	A						A						
Viet Nam	A						A						
Yemen							A						G
Yugoslavia	A	B	C	E	F	G	A	B	C				G
Zambia							A						
Zimbabwe							A						

[a] See Multilateral Treaties Deposited with the Secretary-General (United Nations publication, Sales No. E.97.V.5), chap. I.1, note 5.

[b] Ibid., chap. III.3, note 3.

Notes

[1] United Nations, Treaty Series, vol. 500, No. 7310, p. 95.

[2] Ibid., vol. 596, No. 8638, p. 261.

[3] General Assembly resolution 3166 (XXVIII), annex.